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¶1. Summary: In an April 20 briefing on the situation in Western Sahara that he shared with Special Representative (SRSG) Julian Harston, Personal Envoy Peter van Walsum reiterated the Secretary-General's call on Morocco and the Polisario Front to engage in "direct negotiations without preconditions, with a view to a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara." Van Walsum argued that the Security Council's preference for a "consensual solution" made this recommendation the only reasonable course of action given Morocco's refusal to accept the Baker Plan. On the Moroccan and Polisario proposals that had been submitted to the Secretary-General, Van Walsum said the MINURSO report had to treat them with formal equivalency lest characterizing the Moroccan proposal positively have suggested UN support for the Moroccan sovereignty implicit in the proposal. Council members generally agreed that the Security Council should not become too wrapped up in the discussions about the documents and that the Council should encourage the parties to enter negotiations without preconditions and with the aim of providing for the exercise of self-determination. Some members counseled that that nothing should impede the parties from negotiating -- a reference to positive French and U.S. statements on the Moroccan proposal and recent Algerian/Polisario lobbying for equal treatment of the proposals in the MINURSO renewal resolution. End Summary.

¶2. Special Representative of the Secretary-General (SRSG) for Western Sahara and Head of the United Nations Mission for the Referendum in Western Sahara (MINURSO) Julian Harston and the Secretary-General's Personal Envoy for Western Sahara Peter

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van Walsum jointly briefed the Security Council April 20 on the Secretary-General's April 13 "Report of the Secretary-General on the situation concerning Western Sahara"

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(Document S/2007/202 available at www.un.org/Docs/sc/sgrep07). In his remarks, SRSG Julian Harston highlighted MINURSO's proposal to establish a joint military verification commission, a proposal that has been welcomed by the Polisario, but not yet addressed by the Royal Moroccan Army; underscored the importance of, funding for, and dangers attached to MINURSO's demining activities; and appealed for continued support for voluntary funding for the UNHCR Confidence-building measures program for which MINURSO provides logistical assistance.

¶3. Personal Envoy (PE) Peter Van Walsum sought to clarify

remarks in the April 13 MINURSO report, specifically the para 47 recommendation that "the Security Council call on the parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to a just, lasting and mutually acceptable political solution that will provide for the self-determination of the people of Western Sahara"; and that "the neighboring countries, Algeria and Mauritania, should also be invited to these negotiations and be consulted separately on issues directly affecting them..."

He noted that the recommendations were not new -- that they were the same as those put forth in the October 2006 MINURSO report. Van Walsum explained that the original recommendation had been based on the assumption the Security Council would not impose a solution for Western Sahara and had taken such a position since 1975. He said that when the Green March occurred and Algeria had appealed to the Security Council, the Council only "deplored" the march and called on Morocco to withdraw its marchers. That, he said was typical Chapter 6 language to which the Council has since adhered. Thus, van Walsum said, he had concluded on solid ground that the Security Council was committed to a "consensual solution." Van Walsum further argued that, when the Baker Plan, supported by the Security Council, was rejected by Morocco in 2003 on the grounds that it did not guarantee Moroccan sovereignty, the Security Council did not react. He said that it did not have to react because the Security Council's support of the Baker Plan in 2003 had been conditioned on the agreement between the two parties, which no longer pertained.

¶4. These factors, van Walsum concluded, were the only reasons the Secretary-General had concluded that only two options existed: (1) to call for negotiations without preconditions; or (2) to accept an indefinite and prolonged impasse. In both April and October 2006, the Secretary-General had suggested the call for negotiations with out preconditions. The Security Council had not yet acted on the recommendation, van Walsum said, but there have been new developments, namely

the proposals the parties had put on the table. These proposals had been mentioned in the report, although not in para 47, a fact that some have regretted.

¶5. On the Moroccan and Polisario proposals, Van Walsum observed that the Moroccan proposal had been in process for a period of time going back at least to King Mohammed VI's November 6, 2006 confirmation of an autonomy proposal and was a product of extensive international consultations, while the Polisario's April 10 submission seemingly came out of the blue. Nevertheless, van Walsum said, for the Secretary-General there had to be formal equivalency between

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the two proposals. Van Walsum said that both proposals contained implicit preconditions. He reiterated that there could not be a "precondition" of Moroccan sovereignty any more than there could be a "precondition" of a referendum with independence as an option. Rather, Van Walsum said, the Security Council should focus the energies of the parties on negotiating during this small window of opportunity. Cautioning against excessive enthusiasm for the Moroccan effort, van Walsum said that "there may were be an inverse relations between giving satisfaction to Morocco and getting the Polisario to the negotiating table."

Security Council Members Comment

¶6. All Council members made statements following the MINURSO briefing. There was general agreement that the Council should not become too wrapped up in the discussions about the documents and how to address them; that it was not up to the Council to take a position on the documents; that the Council should focus on passing a renewal of the MINURSO mandate; and that the Council should encourage the parties to enter negotiations without preconditions and with the aim of providing for the exercise of self-determination. Some members counseled that that nothing should impede the parties

from negotiating -- a reference to positive French and U.S. statements on the Moroccan proposal and recent Algerian/Polisario lobbying for equal treatment of the proposals in the MINURSO renewal resolution.

On the Moroccan and Polisario Proposals

¶7. There was a range of opinion as to how the Moroccan and Polisario proposals should be treated. In their statements, South Africa, Panama and Indonesia stressed that the Security Council should resist characterizing either of the proposals in any way. South Africa said the proposals should be treated equally and that the fact that Morocco may have devoted months to the preparation of its submission was irrelevant. Panama said that both proposals were efforts which should be treated equally by the Council. Panama warned against giving greater weight to the Moroccan proposal than to the Polisario proposal, which was based on the Council-supported Baker Plan.

¶8. France and the U.S. delivered positive statements on behalf of the Moroccan proposal. France noted that Morocco had responded to the Council's call to end the status quo by delivering a proposal for autonomy that the Council should seriously consider. It was a plan that had been carefully developed, was the product of the commitment of Moroccan society and based on broad domestic and international consultations. Moreover, the Moroccan plan respected the right of self-determination. Finally, France argued, the proposal was meant to be the basis of negotiation and compromise and not a take-it-or-leave-it proposal. Speaking for the U.S., Ambassador Sanders noted that the Moroccan initiative represented a serious and credible proposal to provide real autonomy for the Western Sahara and represented the way out of the stalemate, which should spur talks, not preclude them. She called for direct negotiations as the best way forward between the parties without preconditions and pledged to support any mutually agreed solution on the final status of the Western Sahara.

¶9. Belgium, UK and Italy sought to express support for the Moroccan proposal without damaging the prospects for direct negotiations. Saying it was pleased to see fresh movement by the parties, Belgium observed that neither of the two proposals were necessarily the basis for negotiations, but were elements that could be mentioned in negotiations "in a slightly differentiated way." The UK characterized the Moroccan proposal as a "serious effort", but cautioned that, if the Council wanted to refer to recent developments, the UK hoped it would do so in a manner that did not hinder but

instead helped negotiations and did not put one at risk by trying to solve problems that did need to be addressed. Similarly, Italy said that the Polisario had to be brought onboard if negotiations were to be held and that members should abstain from doing anything that would discourage bringing the Polisario onboard. Italy said that the Moroccan proposal was a positive development, but that it should not be the basis for discussion. Both plans, Italy said, should be considered working hypotheses.

Negotiations; Self-Determination, Mutual Acceptability

¶10. There was strong support (South Africa, Slovakia, Congo, Italy, Peru, Indonesia) for the Secretary-General's call for direct negotiations between the parties in accordance to para 47 of the MINURSO report. South Africa pronounced itself pleased that the Secretary-General had called for negotiations without preconditions to secure self-determination for the people of Western Sahara. Congo also saw the primary purpose of negotiations as leading to a solution to the problem of self-determination. Belgium said the Council should call for direct negotiations without preconditions to discuss mutually acceptable solution that incorporated self-determination.

¶11. South Africa, Indonesia and Panama argued that the

Western Sahara issue remained on of decolonization. South Africa argued that any solution for the Western Sahara had to be consistent with the UN Charter: autonomy was not self-determination. South Africa noted that the African Union (AU) of which both South Africa and the Sahrawi Arab Democratic Republic (SADR) are members adhered to the principle and sanctity of inherited colonial borders. Panama said that the process in Western Sahara was a developing one that remained one of decolonization: that the Western Sahara is a territory of the Sahrawi people represented by the Polisario Front but controlled by a Morocco that wants to impose autonomy. Panama said that the Security Council had to decide whether it wanted a referendum or a continuation of a policy of constructive ambiguity that gave lip service to self-determination without specifying how it was to be achieved. For Panama, the only solution was a referendum that included independence as an alternative. Indonesia said that the Security Council should not impose any solution and that any solution had to have international legitimacy. Russia, UK and Congo stressed the importance of "mutually acceptable solutions."

¶12. South Africa, Slovakia, Congo, Italy, Qatar, Indonesia, Peru and China all supported the Secretary-General's call for a six-month extension of the MINURSO mandate.
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